NOTIFICATION.

(LAW DEPARTMENT).

No. LAW 35 LOA 67 Bangalore, dated 13th September 1967.

Ordered that the Indian Official Secrets (Amendment) Act, 1967 (Act No. 24 of 1967) which has been published in the *Gazette of India*, Extraordinary, Part II, Section 2, dated the 17th August 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

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H. K. ANANTHASUBBA RAO,
Under Secy. to Govt., Law and Parliamentary Affairs, Department.

Assented to on 15th August 1967 — Act No. 24 of 1967

THE INDIAN OFFICIAL SECRETS (AMENDMENT) ACT, 1967

AN

ACT

further to amend the Indian Official Secrets Act 1923

BE it enacted by Parliament in the Eighteenth Year of of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Indian Official Secrets (Amendment) Act, 1967.

(2) Clause (*b*) of section 5 shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas ; and the remaining provisions of this Act shall come into force at once.

2. **Substitution of new section for section 1.**—For section 1 of the Indian Official Secrets Act, 1923 (19 of 1923) (herein, after referred to as the principal Act), the following section shall be substituted, namely :—

"**1. Short title, extent and application.** (1) This Act may be called the Official Secrets Act 1923.

(2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India.".

3. **Amendment of section 2.**—In section 2 of the principal Act, in clause (6), the words "or of the Government of the United Kingdom or of any British possession" shall be omitted.

4. **Amendment of section 3.**—In section 3 of the principal Act,—

(*a*) in clause (c) of sub-section (1), after the words "useful to an enemy", the following shall be inserted, namely :—

"or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States";

(*b*) in sub-section (2),—

(*i*) the words "with imprisonment for a term which may extend to fourteen years" shall be omitted;

(*ii*) for the words "or information shall be presumed to have been made", the words, "information, code or pass word shall be presumed to have been made" shall be substituted.

5. Amendment of section 5.—In section 5 of the principal Act,—

(*a*) in sub-section (1), for the words "or which has been made or obtained in contravention of this Act,", the following shall be substituted, namely :—

"or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made on obtained ir contravention of this Act,";

(*b*) for sub-section (4), the following sub-section shall be substituted, namely :—

"(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.".

6. Amendment of section 6.—In section 6 of the principal Act,—

(*a*) in sub-section (3), for the words "two years", the words "three years" shall be substituted;

(*b*) in sub-section (4), the words "with imprisonment for a term which may extend to fourteen years" shall be omitted.

7. Amendment of section 7.—In section 7 of the principal Act, in sub-section (2), for the words "two years" the words "three years." shall be substituted.

8. Amendment of section 8.—In section 8 of the principal Act, in sub-section (2), for the words "two years", the words "three years" shall be substituted.

9. Amendment of section 10.—In section 10 of the principal Act, in sub-section (3), for the words "one year", the words "three years" shall be substituted.

10. Substitution of new section for section 12.—For section 12 of the principal Act, the following section shall be substituted, namely :—

"**12.—Provisions of section 337 of Act 5 of 1898 to apply to offences under sections 3, 5 and 7**—The provisions of section 337 of the Code of Criminal Procedure, 1898 shall apply in relation to an offence punishable under section 3 or under section 5 or under section 7 or under any of the said sections 3, 5 and 7 read with section 9, as they apply in relation to an offence punishable with imprisonment for a term which may extend to seven years.".

11. Amendment of section 13.—In section 13 of the principal Act, in sub-section (3), the proviso shall be omitted.

12. Substitution of new section for section 15.—For section 15 of principal Act, the following section shall be substituted, namely :—

'**15 Offences by companies.**—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed was in chargs of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offience and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of any director, manager secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means a body corporate and includes a firm or other association of individuals ; and

(*b*) "director" in relation to a firm, means a partner in the firm.".

13. **Amendment of section 6 of Act 51 of 1962**,—In section 6 of the Defence of India Act, 1962, sub-clause (*c*) of clause (1) shall be omitted.

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